

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

OFFICE OF  
MANAGING DIRECTOR

FEB 1 1993

DOCKET FILE COPY ORIGINAL

Donald E. Martin, P.C.  
2000 L Street, N.W.  
Suite 200  
Washington, D.C. 20036

92-183

Dear Mr. Martin:

This will respond to your request for refund of a hearing fee filed on behalf of [REDACTED] ("NTSL") in connection with its construction permit application for a new FM station at Chico, California.

You state that prior to the Notice of Appearance deadline, NTSL filed a settlement agreement that reflected its merger with several of its competing applicants. The merger has been approved, the contingent environmental issue has been deleted, and the merged application has been granted without hearing. See Memorandum Opinion and Order, FCC 92M-1045 (November 17, 1992).

Section 1.1111(c)(4) of the Commission's rules provides for refund of a hearing fee whenever applications are withdrawn pursuant to a settlement agreement, prior to the Notice of Appearance deadline, and the remaining application is immediately grantable. Under the circumstances, refund of NTSL's hearing fee is appropriate.

Accordingly, your request is granted. A check, made payable to the maker of the original check and drawn in the amount of \$6,760.00, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,

*Marilyn J. McDermett*

Marilyn J. McDermett  
Associate Managing Director  
for Operations

Holly  
920304/710338001

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Before the

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FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Washington, D.C. 20554

In re Applications of	)	MM Docket No. 92-183
WESTERN INSPIRATIONAL	)	File No. BPED-910923MF
BROADCASTERS, INC.	)	
BROAD SPECTRUM COMMUNICATONS, INC.	)	File No. BPH-910925ME
PHOENIX BROADCASTING, INC.	)	File No. BPH-910926ME
NINETY-TWO SEVEN, LTD.	)	File No. BPH-910926MF
For a Construction Permit for a	)	
New FM Station on Channel 224A	)	
at Chico, California	)	

TO: The Managing Director

**ADDENDUM TO MOTION FOR REFUND OF HEARING FEES**

Ninety-Two Seven, Ltd., by counsel, hereby submits this Addendum to the Motion for Refund of Hearing Fees which was filed jointly by Broad Sprectrum Communications, Inc., Phoenix Broadcasting, Inc. and Ninety-Two Seven in the above-identified proceeding on September 8, 1992.

In their joint Motion, the parties explained that they had submitted a universal settlement agreement to the Presiding Administrative Law Judge on a timely basis to qualify for the refund of their hearing fees. The Presiding ALJ has now approved that settlement agreement in a Memorandum Opinion and Order, FCC 92M-1045, released November 17, 1992.

In the joint Motion, instructions were given for the remittance of the fee to each applicant respectively. The fee for Ninety-Two Seven was requested to be remitted to Ninety-Two Seven, the corporate applicant. Ninety-Two Seven wishes to

modify that instruction at this time. Instead, Ninety-Two Seven hereby respectfully requests that its hearing fee be refunded to one of its principals, Wilber Johnson. Accordingly, please remit the refund of Ninety-Two Seven's hearing fee to:

Mr. Wilber Johnson  
3066 Birmingham Drive  
Richmond, California 94806.

Respectfully submitted,

NINETY-TWO SEVEN, LTD.

By:   
Donald E. Martin

DONALD E. MARTIN, P.C.  
2000 L Street, N.W.  
Suite 200  
Washington, D.C. 20036  
(202) 887-5070

Its Attorney

November 25, 1992

**CERTIFICATE OF SERVICE**

I, Donald E. Martin, hereby certify this 25th day of November, 1992 that I have caused a copy of the foregoing document to be sent by United States mail with the first-class postage prepaid to the following:

Robert T. Hesse, General Manager  
Western Inspirational Broadcasters, Inc.  
6363 Highway 50 East  
Carson City, Nevada 89701

Margaret L. Tobey, Esquire  
Akin, Gump, Hauer & Feld  
1333 New Hampshire Avenue, N.W.  
Suite 400  
Washington, D.C. 20036  
Counsel for Broad Spectrum  
Communications, Inc.

Dennis J. Kelly, Esquire  
Cordon & Kelly  
P. O. Box 6648  
Annapolis, Maryland 21401  
Counsel for Phoenix Broadcasting, Inc.

  
Donald E. Martin